



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 2979-99
16 October 2000



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that you were evaluated by a medical board on 3 July 1988, given a diagnosis of recurrent kidney stones, and recommended for retention on active duty in a limited duty status until you completed twenty years of active service. Due to apparent administrative error, your case was referred to the Central Physical Evaluation Board, (CPEB) by the convening authority of the medical board. The CPEB found you unfit for duty, and assigned a rating below 30%, which is the minimum required for disability retirement. You apparently accepted the findings of the CPEB, and declined to request continuation on active duty in a limited duty status. You were discharged by reason of physical disability on 15 November 1988, with entitlement to disability severance pay of \$42,736.80.

The Board did not accept your unsubstantiated contentions to the effect that you were under severe distress and not accorded due process while you were undergoing disability evaluation, or that you were improperly "forced out" of the Navy. Accordingly, your application has been denied. The names and votes of the members of the panel will be

furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director